

July 28, 2003

The Honorable Valerie Woodruff
Secretary of Education
401 Federal Street
Dover, DE 19901

Dear Secretary Woodruff:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOEs) proposal to amend its regulations implementing the Federal Gun-Free Schools Act published as 7 DE Reg. 12 in the July 28, 2003 issue of the Register of Regulations. SCPD has the following observations.

First, the citation to 20 U.S.C. §4141 in §1.0 may be erroneous. The Gun-Free Schools Act appears to be currently codified at 20 U.S.C. §7151. See attachment.

Third, §3.0 is underinclusive and should refer to Section 504 as well as the IDEA. For example, manifestation meetings are required prior to expulsion under Section 504. OCR Senior Staff Memo, 16 IDELR 491, 493 (November 13, 1989); OSEP/OCR Joint Policy Letter to M. Williams, 21 IDELR 73, 78 (March 14, 1994).

Thank you for your consideration and please contact SCPD if you have any questions regarding our observations on the proposed regulation.

Sincerely,

Rita Landgraf, Chairperson
State Council for Persons with Disabilities

cc: Dr. Joseph Pika
Dr. Martha Brooks
Dr. Carol Mayhew
Ms. Lou Ann Vari, Esq.
Ms. Mary Cook, Esq.
Mr. John Hindman, Esq.
Ms. Susan B. Keene
Ms. Sandra Reyes, Esq.
Developmental Disabilities Council
Governor's Advisory Council for Exceptional Citizens

